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CHARLES ELMORE, CLERK
SUPREME COURT

IN THE

Supreme Court of the United States

OCTOBER TERM, 1944.

No. 380.

CANADIAN RIVER GAS COMPANY, a Corporation, *Petitioner*

v

FEDERAL POWER COMMISSION, CITY AND COUNTY OF DENVER,
COLORADO, PUBLIC SERVICE COMMISSION OF WYOMING,
COLORADO-WYOMING GAS COMPANY, PUBLIC SERVICE
COMPANY OF COLORADO, AND COLORADO INTERSTATE GAS
COMPANY, *Respondents*.

BRIEF OF THE INDEPENDENT NATURAL GAS ASSOCIATION OF AMERICA, AMICUS CURIAE, IN SUPPORT OF THE PETITION OF CANADIAN RIVER GAS COMPANY FOR REHEARING AND FOR ENLARGEMENT OF SCOPE OF REVIEW.

INDEPENDENT NATURAL GAS ASSOCIATION OF AMERICA,

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This brief of the Independent Natural Gas Association of America is presented *amicus curiae*, under Rule 27, Paragraph 9, of the Rules of this Court.

On December 4, 1944, Petitioner herein, Canadian River Gas Company, filed with the Court a petition for rehear-

ing and for enlargement of the scope of review permitted by the order of this Court of November 13, 1944.

In its said petition for rehearing, Petitioner requests this Court to include within the scope of its review; among other issues, the question whether the Circuit Court was correct in its ruling in respect to the exercise of jurisdiction by the Federal Power Commission over facilities used for the production and gathering of natural gas (Question No. 1, Pages 2-12, Petition for Rehearing).

The Independent Natural Gas Association of America is a corporation organized and existing under the laws of the State of Delaware. Its membership includes royalty owners and those engaged in the production, gathering or transmission of natural gas. One of the principal purposes of the Association, as set forth in its charter, is to assist in the protection of the interests of the natural gas industry.

The Association and its constituent members are vitally interested in any question involving the lawfulness of assertion by the Federal Power Commission of jurisdiction over the production or gathering of natural gas. Section 1(b) of the Natural Gas Act (52 Stat. 821, Title 15 U. S. C. 717) specifically exempts from the Commission's jurisdiction "the production or gathering of natural gas." The Association believes that the question raised by the Petitioner herein in respect to the validity of the jurisdiction asserted and exercised by the Federal Power Commission over facilities used for the production and gathering of natural gas in the instant proceeding is an important issue of Federal law. The appropriate resolution of this issue is a matter of large significance to the natural gas industry of the country. We believe it of the highest importance, in the public interest and in the interest of this important industry, that this issue should be specifically passed upon by this Honorable Court in its review of the instant cause. Many of the reasons for this position on the part of this Association are set forth in Petitioner's petition for rehearing and enlargement, above mentioned, and seem not to require restatement here.

The Independent Natural Gas Association of America therefore respectfully suggests and requests that this Court enlarge the scope of review permitted by its order of November 13, 1944 to include the question whether the Federal Power Commission has properly exercised jurisdiction over the production and gathering facilities of the Canadian River Gas Company which are involved in this proceeding.

Respectfully submitted,

INDEPENDENT NATURAL GAS ASSOCIATION OF AMERICA,

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